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FISCAL IMPACT REPORT



SPONSOR: Jennings DATE TYPED: 02/09/02 HB _____

SHORT TITLE: Prescriptive Authority to Psychologists SB 300

ANALYST: J. Sandoval

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY02	FY03			
	\$4.5	\$9.0	Recurring	Other State Funds

(Parenthesis () Indicate Revenue Decreases)

Duplicates House Bill 305
Relates to House Bill 170 and Senate Bill 231

SOURCES OF INFORMATION

LFC files

Responses Received From
Health Policy Commission
Department of Health
Regulation and Licensing Department
Attorney General's Office

SUMMARY

Senate Bill 300 amends the New Mexico Drug, Device and Cosmetic Act, to include "prescribing psychologist" in the category of practitioner. The Controlled Substances Act is amended to add "prescribing psychologist" to the definition of practitioner. The Nursing Practice Act is amended to add "prescribing psychologist" to its definition of licensed practical nursing. The Professional Psychologist Act is amended to include a "conditional prescription certificate" that would be issued by the Board of Psychology that would permit the holder to prescribe psychotropic medication under the supervision of a licensed physician. Psychotropic medication is defined as "a controlled substance...that may not be dispensed or administered without a prescription and whose primary indication for use has been approved by the federal food and drug administration for the treatment of mental disorders...". A new section of the Professional Psychologist Act would be created which defines how a psychologist is trained, supervised, credentialed, and maintains a "conditional prescription certificate".

Significant Issues

According to the Department of Health, this bill would make New Mexico the first state to allow a psychologist to prescribe psychotropic medications after successfully completing pharmacological training from an institution of higher education or from a provider of continuing education approved by the Board.

FISCAL IMPLICATIONS

1. The New Mexico State Board of Psychologist Examiners (the board) recommends adding an additional board member who has advanced training in psychopharmacology to the State Board of Psychologists Examiners to assist with the review of the application procedures, rules and regulations. If such a candidate is not added to the board, training for board members and/or the board administrator is advisable. This training would cost \$2.0.
2. The drafting of rules and regulations, holding public hearings, publishing proposed rules, final adoption of rules and regulations and printing costs will come to approximately \$3.0.
3. Appointing a subcommittee to work and review applications of prescribing psychologists, and complaints, if any will cost \$2.0.
4. The board will need to be given additional budget authority of \$7.0 to use fund balances to pay for these additional costs. The board's estimated fund balance for FY03 is \$158.4.
5. If the bill is successful, the estimated revenue will be approximately \$4.0 annually. This increase in revenue projection is based upon the current application fee of \$0.3 and an estimate of approximately 15 candidates who will qualify under the conditional prescription certificate ($\$0.3 \times 15 = \4.5).

ADMINISTRATIVE IMPLICATIONS

The Department of Health would need to work with state and federal governments to create a system of malpractice insurance and reimbursement for the prescribing psychologist. In addition, the issue of certification of programs, which include psychologists prescribing medications for the mentally ill, would need to be addressed.

OTHER SUBSTANTIVE ISSUES

- Psychologists who become licensed to prescribe psychotropic drugs may have to seek licensure with the Board of Pharmacy depending on the scope of their practice or if they open a clinic.
- The New Mexico Health Policy Commission believes this bill may allow hospitals and mental health facilities, particularly in rural areas, more staffing flexibility where recruitment of psychiatrists is difficult and may also bring cost savings to patients.
- There is currently no mechanism for the New Mexico Board of pharmacy to register psy-

chologists to prescribe psychotropic medication and a review of the Board of Pharmacy regulations will be necessary to implement the provisions of this bill.

POSSIBLE QUESTIONS

1. How are the health and safety concerns of complex medical cases assured in this bill?
2. How would a prescribing psychologist's training compare to that of a prescribing medical doctor?
3. Will the required training be sufficient in scope, content and clinical experience to insure the quality of care that is currently provided by other practitioners with prescribing authority?
4. Will Psychologist trained in prescribing psychotropic medication increase accessibility to mental health care?
5. Will there be significant cost savings to New Mexico residents?
6. Will there be more options for patients in rural areas or areas where physician shortage exists?

JFS/prr